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Right of Entry Clarification

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## Right of Entry

The following is clarification of servicer "Right of Entry" on vacant FHA insured properties addressing new local and state regulations and servicer compensation.

FHA-approved mortgagees are required to preserve and protect FHA-insured assets. This requirement shall be met in accordance with state and local laws. Mortgagees must comply with state and local law, pursuant to Mortgagee Letter 2012-12 (attached), and maintain supporting documentation of their attempts to gain access or possession. Documents required by or issued in accordance with state or local law relating to such attempts including, but not limited to, notices, pleadings, and court orders, will be the only documentation accepted by HUD when determining mortgager or mortgagee neglect and whether the mortgagee has met its due diligence requirements in preserving and protecting FHA-insured assets. In addition, mortgagees may include the cost of taking legal action necessary to gain access to the property as a claim expense as long as they maintain the legal documents to support the amount being claimed.